

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Robinson Township, Washington :  
County, Pennsylvania, Brian Coppola, :  
Individually and in his Official :  
Capacity as Supervisor of Robinson :  
Township, Township of Nockamixon, :  
Bucks County, Pennsylvania, :  
Township of South Fayette, :  
Allegheny County, Pennsylvania, :  
Peters Township, Washington County, :  
Pennsylvania, David M. Ball, :  
Individually and in his Official :  
Capacity as Councilman of Peters :  
Township, Township of Cecil, :  
Washington County, Pennsylvania, :  
Mount Pleasant Township, :  
Washington County, Pennsylvania, :  
Borough of Yardley, Bucks County, :  
Pennsylvania, Delaware Riverkeeper :  
Network, Maya Van Rossum, the :  
Delaware Riverkeeper, Mehernosh :  
Khan, M.D., :

Petitioners

v.

Commonwealth of Pennsylvania, :  
Pennsylvania Public Utility :  
Commission, Robert F. Powelson, :  
in his Official Capacity as Chairman :  
of the Public Utility Commission, :  
Office of the Attorney General of :  
Pennsylvania, Linda L. Kelly, in :  
her Official Capacity as Attorney :  
General of the Commonwealth of :  
Pennsylvania, Pennsylvania :  
Department of Environmental :  
Protection and Michael L. Krancer, :  
in his Official Capacity as Secretary :  
of the Department of Environmental :  
Protection, :


Respondents :

No. 284 M.D. 2012

## ORDER

NOW, October 25, 2012, after oral argument on petitioners' "application to enforce this Court's July 26, 2012 order which permanently enjoins the enforcement of certain provisions of Act 13 [the Act of February 14, 2012, P.L. \_\_\_, 58 Pa. C.S. §§2301-3504]," the application is granted, and the Pennsylvania Public Utility Commission (PUC) is hereby **ORDERED** to **CEASE** and **DESIST** from acting upon requests pursuant to 58 Pa. C.S. §3305 to review municipal ordinances for compliance with the Pennsylvania Municipalities Planning Code (MPC),<sup>1</sup> and Chapters 32 and Chapter 33 of Act 13. The Court's July 26, 2012 order permanently enjoined the Commonwealth from enforcing 58 Pa.C.S. §3304 and further ordered that "the remaining provisions of Chapter 33 that enforce 58 Pa.C.S. §3304 are similarly enjoined." *Robinson Twp. v. Commonwealth*, \_\_ A.3d \_\_ (Pa. Cmwlth., No. 284 M.D. 2012, filed July 26, 2012), 2012 WL 3030277 at 23. Section 3305 is a provision enforcing Section 3304 as it grants the PUC authority to review proposed local ordinances at the request of municipalities and to issue orders after review of local ordinances at the request of aggrieved parties. The language of the Court's July 26, 2012 order does not distinguish between the basis for the PUC's review (e.g., whether an aggrieved party alleges the local ordinance violates the MPC as opposed to Chapter 32); it enjoins any section enforcing Section 3304. Section 3305 is a vehicle by which Section 3304 is enforced.

Petitioners' request for attorneys' fees is denied.

  
Keith B. Quigley, Senior Judge

**Certified from the Record**

**OCT 26 2012**

**And Order Exit**

<sup>1</sup> Act of July 31, 1968, P.L. 805, as amended, 53 P.S. §10101-11202.